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DATE: JUNE 26, 2024

To: The Honorable Nancy E. Brasel
United States District Court
300 South Fourth Street
Minneapolis, MN 55415

VIA ELECTRONIC FILING

Re: *ISD No. 739, Kimball Area Public Schools v. I.R.M., et al.*
Civil No. 23-2637 (NEB/LIB)

Dear Judge Brasel:

In accordance with the District of Minnesota Local Rule 7.1(f)(1)(D) the purpose of this letter is to request that Defendants in this case be allowed to exceed the word limit set in Local Rule 7.1(f)(1)(A) and (B) in its motion for judgment on the pleadings. Defendants' motion concerns Plaintiff's appeal of the decision and order of Administrative Law Judge ("ALJ") Eric Lipman in OAH Docket No. 8-1300-39140 and OAH Docket No. 8-1300-39157. Defendants are requesting a word count increase of 2,500 words to a total of 14,500 for both its initial memorandum and reply memorandum due to the extensive record and legal arguments addressed in Defendants' initial memorandum and Plaintiff's responsive memorandum. Defendants' initial memorandum totaled 10,673 words. Doc 32-1.

The administrative record in this case is more extensive than most Due Process proceedings, because the Administrative Law Judge combined two Due Process complaints into one hearing. Consequently, the evidentiary hearing took five days to complete, and produced a transcript of over 1,000 pages. Additionally, over 100 exhibits were entered into the administrative record.

The Plaintiff's memorandum of law in opposition to judgment on the administrative record totals 11,787 words. Doc. 39-1. At present, without an increase, Defendants are left with only 1,327 words to respond. This will not be sufficient. This case involves complicated legal issues under the Individuals With Disabilities Education Act ("IDEA"), the Americans with Disabilities Act ("ADA"), and Minnesota state law. This case also presents the Court with many issues of first impression that the Court will need to decide.

Given the extensive record and the legal arguments Defendants must make to assist the Court, an increase of the word count limit by 2,500 words to 14,500 is appropriate. The Court previously granted permission to the Plaintiff to increase its word count limit to 14,500. Doc. 38.

Very Truly Yours,
AUTISM ADVOCACY & LAW CENTER, L.L.C.

A handwritten signature in black ink, appearing to read "Jason Schellack", followed by a horizontal line extending to the right.

Jason Schellack

cc. Laura McMahon (via email)